

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for November 24, 2004 PLANNING COMMISSION MEETING

P.A.S.: County Change of Zone #04074, Lakewood Hills Community Unit Plan
Co. Special Permit #04058, Preliminary Plat #04028 and Final Plat # 04126

Note: This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

PROPOSAL: A change of zone from AG to AGR and a community unit plan, preliminary plat and final plat for nine acreage residential units.

LOCATION: N 84th and Agnew Road.

WAIVER REQUESTS:

1. Ornamental street lighting.
2. Sidewalks.
3. Street trees.
4. Landscape screens.
5. Stormwater Detention.
6. Block length.
7. Lot frontage.

LAND AREA: 83.36 acres, more or less.

CONCLUSION: The change of zone is **not** in conformance with the Comprehensive Plan. The applicant is requesting a form of contract zoning where the zoning is approved and conditioned on the plat and Community Unit Plan to tie the property to the lots as shown. This should be denied. However, if the zoning is approved, the CUP and plat are needed to reflect the density approved.

RECOMMENDATION:

Co. Change of Zone #04074	Denial
Co. Special Permit #04058 (if change of zone is approved)	Conditional Approval
Preliminary Plat # 04028	Conditional Approval
Final Plat # 04126	Conditional Approval
Waivers	
1. Ornamental lighting	Approval
2. Sidewalks	Approval
3. Street trees	Approval

4.	Landscape screens	Approval
5.	Stormwater Detention	Approval
6.	Block length	Approval
7.	Lot frontage	Approval

GENERAL INFORMATION

LEGAL DESCRIPTION: The West ½ of the NE 1/4 and Lot 3. I.T. (Also known as Lot 6 I.T.), located in Section 15, all in T12N, R7E, in the 6th P.M., Lancaster County, Nebraska.

EXISTING ZONING: AG Agriculture.

EXISTING LAND USE: Agriculture/woodland habitat. Two houses on the 80 acres.

SURROUNDING LAND USE AND ZONING:

North: Agriculture, one house and a small farm cattle feeder operation, zoned AG

South: Agriculture, zoned AG

East: Agriculture, zoned AG. Cemetery ½ mile east.

West: Agriculture, one house, zoned AG

HISTORY: County Special permit 193, Lakewood Hills CUP and Preliminary Plat approved September 2002.

Changed from AA Rural and Public Use to AG Agriculture with the adoption of the 1979 Zoning Update.

COMPREHENSIVE PLAN SPECIFICATIONS: The 2025 Comprehensive Plan shows this area as Agriculture, Agricultural Stream Corridor and Environmental Resources. This is outside the Lincoln growth tiers. A cluster is permitted by special permit in the AG district. In relation to clustering the Comprehensive Plan states:

Currently, acreage development has occurred under two development scenarios: AG - Agricultural District (minimum of 20 acres per lot) and AGR - Agricultural Residential District (minimum of 3 acres per lot) with the possibility in both AG and AGR zoning districts of clustering units together in order to preserve more open space and agricultural areas and/or receive additional density bonuses under a community unit development. The complex issue of acreage development and other public objectives requires a large array of land use strategies (pg F 70)

Acknowledge the "Right to Farm" and preserve areas for agricultural productions throughout the county by designating specific areas in advance for rural residential so as to limit areas of potential conflict between farms and acreages (pg F 70)

Retain the current overall density of 32 dwellings per square mile (20 acre) for all agriculturally zoned land. Provide for an ability to divide two 3 acre lots per "40" acre parcel with conditions and administrative review and right of appeal. This would allow more flexibility for parcel size while retaining the overall density and assist in retaining farmable units of land. (F 70)

In determining areas of higher density rural acreage (200 units or more per square mile), numerous factors will be reviewed, such as but not limited to water and rural water districts, soil conditions, roads, agricultural productivity, land parcelization, amount of existing acreages, and plans for urban or town development. Acreages should develop in areas that best reflect the carrying capacity of that area for acreages. A performance criteria should be developed to review requests for acreage zoning and to determine where these standards can best be met. (F 70)

Development of a performance standard "point system" will allow the location of higher density rural acreage development in either "AG" or "AGR" where the review criteria can be met. This allows equal treatment across the county, maximum freedom of determination of marketing and sale, while locating those developments only in those areas where sufficient "points" can be accumulated to justify the development at the requested location." (F 71)

Environmental Resources: Land and water masses which are of particular importance for maintenance and preservation, such as saline wetlands, native prairie, and some floodway and riparian corridors. Such areas may be either publicly or privately owned.

Agricultural Stream Corridor: Land intended to remain in open space, predominately in agricultural use, but that may also include parks, recreation fields, or parking areas when near future commercial, industrial, or public uses. Such areas will be primarily privately owned, but may also include some public ownership or easements. These areas are mostly in the 100 year floodplain, outside of the existing Lincoln urban development. (F 22)

Riparian, Floodplains, and Stream Corridors – Streams and their adjoining corridors snake their way through much of Lancaster County. Throughout the region, surface water runoff flows into these stream corridors that typically consist of floodplains and riparian areas. These are instrumental in providing habitat and water infiltration benefits, along with serving as connectors to natural areas. (F55)

UTILITIES: There is no public sewer available. This is not in a rural water district.

TOPOGRAPHY: Rolling land, draining to the northeast.

TRAFFIC ANALYSIS: This is served by Highway 77/N 56th Street, a four lane facility, two miles west. Agnew Road, N 70th and N 84th are gravel County Roads.

PUBLIC SERVICE: This is in the Ceresco Fire District (located about four miles northwest), and the Waverly School District #145. This is served by the Lancaster County Sheriff's Department.

REGIONAL ISSUES: Expansion of the acreage areas. Clustering to preserve environmental areas. "Bonus" for environmental work.

ENVIRONMENTAL CONCERNS: The Historic and Ecological resources survey shows no resources on this site. The soil rating on this land is 3.9 on a scale of 1 to 10 where 1 to 4 is prime. This is prime ag land. There is floodplain on the northern portion of this parcel. There is a dam and lake on the site. This 80 acres has had substantial planting of trees, shrubs and meadows over the years and now is more described as a habitat and nature preserve than agriculture.

AESTHETIC CONSIDERATIONS: na

ALTERNATIVE USES: All uses allowed in the AG district.

ANALYSIS:

1. This request is for a Change of Zone to AGR and a Special Permit for a Community Unit Plan, a Preliminary Plat and a Final Plat for 9 acreage residential lots and one outlot. Two gravel private driveways are proposed in lieu of a street.
2. There is currently an approved AG CUP, governing this property, for five single family lots, which included a 20% bonus above the permitted base density of one lot per 20 acres.
3. The applicant is requesting the change of zone to provide an additional 80% in density. The applicant believes this is an appropriate bonus for his environmental efforts. The CUP and Plats are submitted to "lock in" the density of about one lot per 10 acres, as opposed to the potential of nearly one lot per 3 acres.
4. Individual wells and individual sewage disposal are proposed. The lots are large enough for lagoons if percolation will not support a septic system. The water report indicates satisfactory water quantity and quality.
5. These are typical cluster acreage lots in the three plus acre size range.
6. The zoning request is not in conformance with the Comprehensive Plan. This is not an area shown as Low Density Residential.
7. The Planning Department issued a draft Performance Standard and Acreage Development Strategy on September 17th 2003. Under that proposal, a raw score of 300 could lead to support for a requested change of zone to AGR. Other bonuses could be available based on the score. The raw score for this parcel is - 157. Primarily

because of the lack of paved roads and the absence of nearby AGR zoned or developed land.

8. The density calculations for the project (at AGR zoning) are as follows;

83.36 acres at 1 dwelling per 3 acres	=	27.78 dwellings
20% bonus requested X 1.20	=	33.3 dwellings
		33 dwellings permitted
Requested		9 units on 9 lots

Staff has previously suggested some additional bonus in density may be appropriate where unique environmental resources are being preserved. But that bonus was not suggested to be over 100%, and this proposal has not been adopted by the County Board. The property owner has added potential value to this land, but it would not rank as high as the natural resources in the Green Print Challenge or the Comprehensive Plan.

9. The applicant is requesting waivers to street lighting, street trees, landscape screens, and sidewalks. These waivers are consistent with the rural nature of the subdivision and the provisions of the County regulations. The area is not to be annexed by the city at this time. The existing dam, habitat and proposed acreages do provide storm water detention equivalent to the Lincoln standards.
10. The applicant is requesting a waiver of the block length along the north, south, east and west of the plat. The waiver is reasonable considering the nature and use of the land for native habitat, existing dam and floodplain and topography.
11. The applicant is requesting a waiver to the street frontage requirement. Under the Community Unit Plan, the created lots can be approved with no direct frontage to a public street, but with access via a private common driveway. The applicant is requesting this approach to reduce impact to the mature habitat on the site. The County Board approved this waiver with the previous application.
12. The County Engineer's memo of November 1, 2004 notes minor adjustments.
13. The Lincoln/Lancaster County Health Department notes adequate water and lots that are large enough for lagoons or septic.
14. Norris Public Power is requesting easements.

15. The 911 Center notes all addresses must be off of Agnew Road.

If Change of Zone #04074 is approved, the following conditions are suggested for the Special Permit, Preliminary Plat and Final Plat.

CONDITIONS FOR SPECIAL PERMIT #04058:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the County Board's agenda: (NOTE: These documents and plans are required by resolution/ordinance or design standards.)
 - 1.1 Make the corrections requested by the County Engineer in his letter of November 1, 2004.
 - 1) Remove Lancaster County from the dedication relative to easements.
 - 2) Label access easements as public access easements.
 - 1.2 Revise the drawing to show Norris Public Power Easements
 - 1.3 Revise Note # 7 to include the requirement for Conservation Easements recorded prior to Building Permits.
 - 1.4 Add a Note that the "Rail Car Bridge" shall be posted as a single lane bridge and a load limit of 40 Tons or less.
 - 1.5 Revise the plan to show existing dwellings to remain.
 - 1.6 Revise the plan to show tree masses to be preserved and those to be removed.
 - 1.7 Remove the note on Outlot A that states "Future Development for additional Dwelling Unit Bonuses". All density is being utilized in this proposal.
2. This approval permits nine single family lots.

General:

3. Before receiving building permits:

- 3.1 The permittee is to submit a revised site plan and the plan is found to be acceptable.
- 3.2 The permittee is to submit six prints and a permanent reproducible final site plan as approved by the County Board.
- 3.3 The construction plans are to comply with the approved plans.
- 3.4 The final plat(s) is/are approved by the County Board.
- 3.5 The County Board approves associated requests:
 - 3.5.1 Change of Zone # 04074 to AGR
 - 3.5.2 Lakewood Hills Preliminary Plat #04028.
 - 3.5.3 A waiver to the sidewalk, street lights, landscape screen, stormwater detention and street tree requirements since the area is of larger lots, a rural nature and the subdivision will not be annexed.
 - 3.5.4 A modification to frontage as part of the CUP.
 - 3.5.4 A modification to the requirements of the land subdivision resolution to permit a block length in excess of 1320' along the north, south, east and west perimeter of this subdivision.
- 3.6 The County Engineer has approved:
 - 3.6.1 An agreement for street maintenance.

STANDARD CONDITIONS:

- 4. The following conditions are applicable to all requests:
 - 4.1 Before occupying this Community Unit Plan all development and construction is to comply with the approved plans.
 - 4.2 Before occupying this Community Unit Plan, City/County Health Department is to approve the water and waste water systems.
 - 4.3 All privately-owned improvements are to be permanently maintained by the owner or an appropriately established homeowners association approved by the County Attorney.

- 4.4 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 4.5 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 4.6 The County Clerk is to file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee is to pay the recording fee.
5. The site plan as approved with this resolution voids and supersedes all previously approved site plans and resolutions for Lakewood Hills special permit and preliminary plat.

CONDITIONS FOR PRELIMINARY PLAT #04028:

Site Specific:

1. After the subdivider completes the following instructions and submits the documents and plans to the Planning Department office, the preliminary plat will be scheduled on the City Council/County Board agenda: (NOTE: These documents and plans are required by ordinance or design standards.)
 - 1.1 Make the corrections requested by the County Engineer in his letter of November 1, 2004.
 - 1) Remove Lancaster County from the dedication relative to easements.
 - 2) Label access easements as public access easements.
 - 1.2 Revise the drawing to show Norris Public Power Easements
 - 1.3 Revise Note # 7 to include the requirement for Conservation Easements recorded prior to Building Permits.
 - 1.4 Add a Note that the "Rail Car Bridge" shall be posted as a single lane bridge and a load limit of 40 Tons or less.
 - 1.5 Revise the plan to show existing dwellings to remain.
 - 1.6 Revise the plan to show tree masses to be preserved and those to be removed.

- 1.7 Remove the note on Outlot A that states "Future Development for additional Dwelling Unit Bonuses". All density is being utilized in this proposal.
2. The County Board approves associated requests:
 - 2.1 Change of Zone # 04074
 - 2.2 County Special Permit # 04058 for the Community Unit Plan.
 - 2.3 A waiver to the storm water detention, sidewalk, street paving, street lights, landscape screen, and street tree requirements since the area is of larger lots, a rural nature and the subdivision will not be annexed.
 - 2.4 A waiver to the frontage.
 - 2.5 A modification to the requirements of the land subdivision ordinance to permit a block length in excess of 1320' along the north, south, east and west perimeter of this subdivision.

General:

3. Final Plats will be scheduled on the Planning Commission agenda after:
 - 3.1 Streets, water facilities if rural water, drainage facilities, temporary turnarounds and barricades, and street name signs have been completed.
 - 3.2 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:
 - 3.2.1 To submit to the County Engineer an erosion control plan.
 - 3.2.2 To protect the remaining trees on the site during construction and development.
 - 3.2.3 To submit to lot buyers and home builders a copy of the soil analysis
 - 3.2.4 To complete the private improvements shown on the preliminary plat.
 - 3.2.5 To maintain the outlots and private improvements on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the

document or documents creating said property owners association have been reviewed and approved by the County Attorney and filed of record with the Register of Deeds.

- 3.2.6 To relinquish the right of direct vehicular access to Agnew Road except for the two private drives.
- 3.2.7 To comply with the provisions of the Land Subdivision Resolution regarding land preparation.
- 4. The site plan as approved with this resolution voids and supersedes all previously approved site plans and resolutions for Lakewood Hills special permit and preliminary plat (County Special Permit # 193 and Preliminary Plat 02006).

CONDITIONS FOR FINAL PLAT # 04126:

1. Prior to scheduling this final plat onto the County Board's agenda:

1.1 The Final Plat Mylar shall have the following changes made to it:

1.1.1 Make the corrections requested by the County Engineer in his letter of November 1, 2004.

1) Remove Lancaster County from the dedication relative to easements.

2) Label access easements as public access easements.

1.1.2 Revise the drawing to show Norris Public Power Easements

1.1.3 Revise Note # 7 to include the requirement for Conservation Easements recorded prior to Building Permits.

1.1.4 Add a Note that the "Rail Car Bridge" shall be posted as a single lane bridge and a load limit of 40 Tons or less.

1.1.5 Revise the plan to show existing dwellings to remain.

1.1.6 Revise the plan to show tree masses to be preserved and those to be removed.

- 1.1.7 Remove the note on Outlot A that states "Future Development for additional Dwelling Unit Bonuses". All density is being utilized in this proposal.
- 1.1.8 Provide a corrected Mylar signed in black opaque ink and six copies to the Planning Department.
- 1.1.9 Remove the language "a municipal corporation" from the Dedication.
- 1.1.10 Revise the Dedication language to say the streets shown herein are dedicated to Lancaster County. Lancaster County is not accepting any easements.

1.2 All improvements must be in place and approved by the County Engineer.

2. The subdivider has signed an agreement that binds the subdivider, its successors and assigns:

- 2.1 To submit to the County Engineer an erosion control plan.
- 2.2 To protect the remaining trees on the site during construction and development.
- 2.3 To submit to lot buyers and home builders a copy of the soil analysis and water report.
- 2.4 To complete the private improvements shown on the preliminary plat.
- 2.5 To maintain the outlots and private improvements on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the document or documents creating said property owners association have been reviewed and approved by the County Attorney and filed of record with the Register of Deeds.
- 2.6 To relinquish the right of direct vehicular access to Agnew Road except for the two public access driveways .
- 2.7 To comply with the provisions of the Land Subdivision Resolution regarding land preparation.

3. Submit a statement from the County Treasurer's office that there are no delinquent taxes against the land within the proposed subdivision and there are no liens for taxes which have

been levied but which are not yet delinquent, and a statement that all special assessment installment payments are current as applied to said proposed subdivision. All taxes against the land have been paid and are current and there are no liens for taxes which have been levied but not yet delinquent. The property taxes are due and become a lien on the property on December 31, 2004. If this plat is not approved until after January 1, 2005, the Treasurer's office statement must be prepared and dated after January 1, 2005.

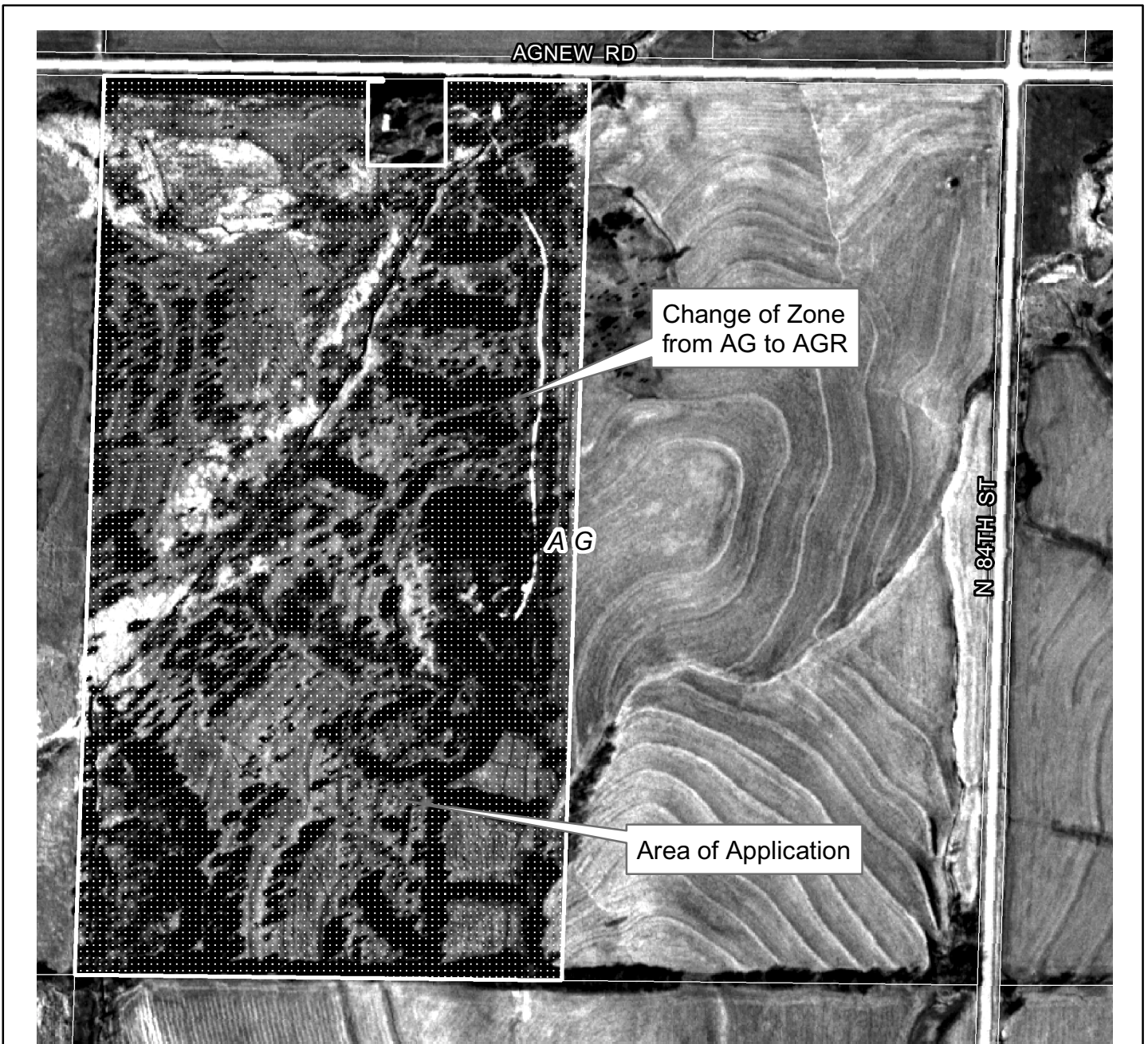
Prepared by:

Mike DeKalb, 441-6370, mdekalb@lincoln.ne.gov
Planner
November 8, 2004

APPLICANT: Lyle Loth for
Ninette and Bob Lookabough
8101 Agnew Road
Ceresco, NE 68017
(402) 785-2255

OWNERS: Robert E. Lookabough

CONTACT: Lyle Loth
ESP
601 Old Cheney Road, Suite A
Lincoln, NE 68512
402 - 421 - 2500



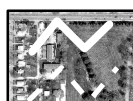
County Preliminary Plat #04028
 County Final Plat #04126
 County Special Permit #04058
 County Change of Zone #04074
 Lakewood Hills
 N. 84th & Agnew Rd.

2002 aerial

Zoning:

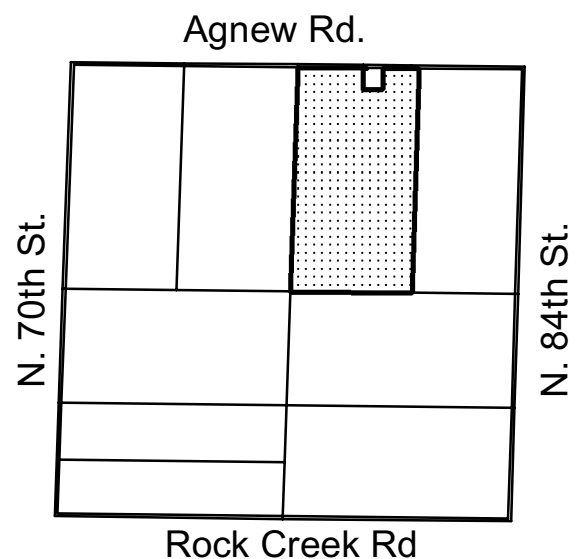
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
 Sec. 15 T12N R7E



Zoning Jurisdiction Lines

City Limit Jurisdiction



Lincoln City - Lancaster County Planning Dept.

GENERAL NOTES

1. Direct vehicular access to Agnew road is hereby relinquished except at the two Private Driveway locations. Private Driveways will not be accepted for maintenance by Lancaster County unless it has been platted as a street and meets County Standards prior to acceptance.
2. All lots shall be served by private wells.
3. Sewage treatment shall be provided by individual lot owners. Lagoons may be allowed and will not be prohibited by covenants. Due to soil types and slopes, lagoons or professionally engineered waste disposal may be required.
4. Waivers are requested as follows:
 - a. Ornamental lighting.
 - b. Sidewalks.
 - c. Street Trees.
 - d. Landscape Screens.
 - e. Stormwater Detention.
 - f. Block length in excess of 1320 feet along north, south, east, and west perimeter.
 - g. Lot frontage on Private Drive in lieu of a street.
5. The contours shown are survey verified NSVD 29 elevations. One-half foot must be added to reflect NAVD 88 elevations. The County Surveyor has determined that this meets the NAVD 88 requirements within the acceptable margins of error.
6. Setbacks shall conform to the following:

Front Yard - 50'

Rear Yard - 50'

Side yard - 15'
7. Preservation of the environmental features in Outlot A that support wildlife habitat, trees, wild flowers, and water bodies will be provided.
8. Residents and their guests will have access to Outlots A.
9. Junk cars will be prohibited by protective covenants.

Future Lot Owners: Be advised that this subdivision is in a rural area surrounded by farm activities and that normal and customary farming operations are not a nuisance.

LEGAL DESCRIPTION: Lot 6, I.T., in the NE $\frac{1}{4}$ of Section 15 T 12N., R 7E., of the 6th P.M., Lancaster County, Nebraska.

County Preliminary Plat #04028
County Special Permit #04058
County Change of Zone #04074
Lakewood Hills
N. 84th & Agnew Rd.

E.S.P.
CONSULTING
ENGINEERS

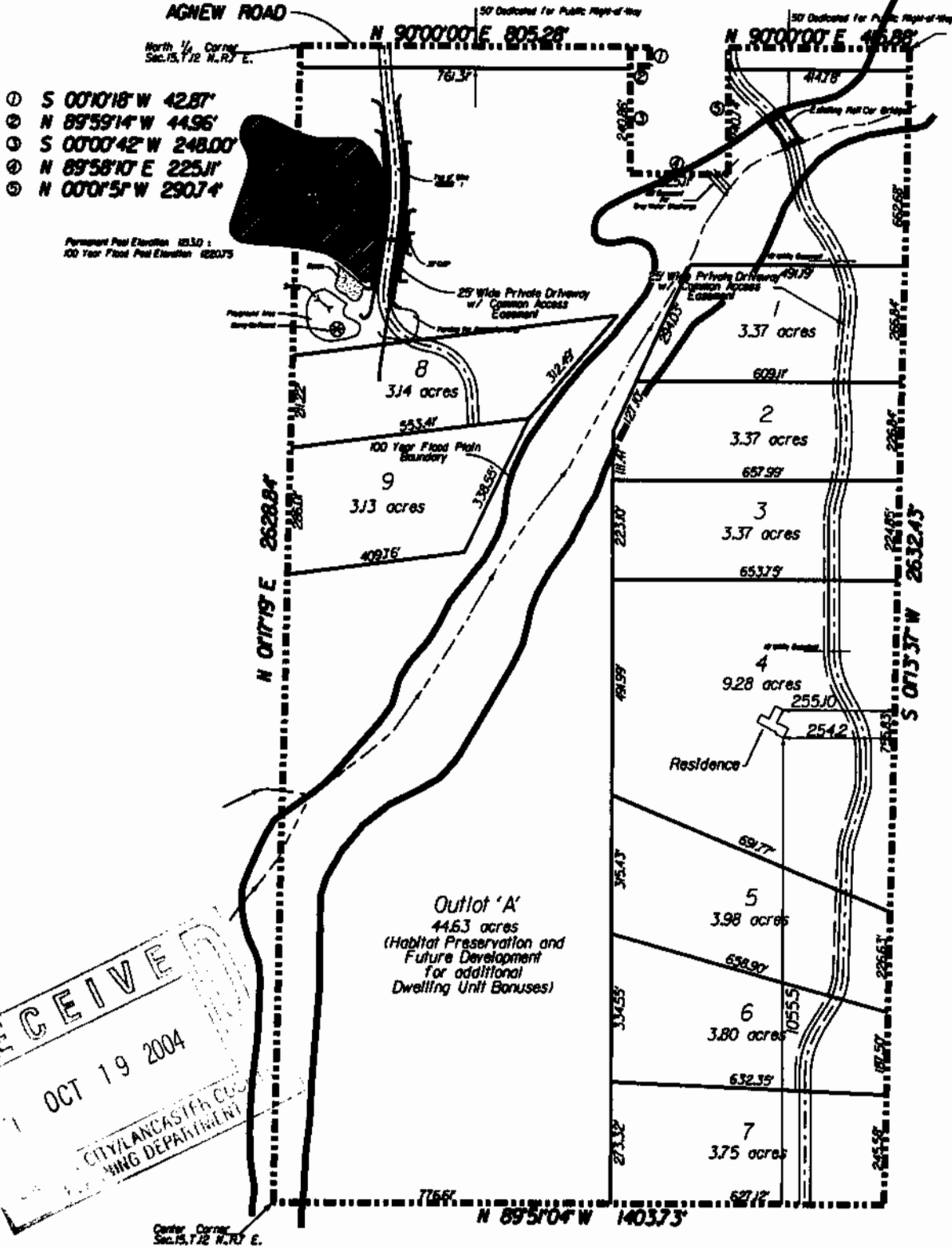
601 OLD
CHENEY ROAD
SUITE 'A'
LINCOLN,
NEBRASKA
68512

**LAKEWOOD
HILLS**

**PRELIMINARY
PLAT
AND
COMMUNITY
UNIT PLAN
EXISTING
STRUCTURES**
Amendment
No. 1
October,
2004

Scale: 1" = 350'

1
of
1

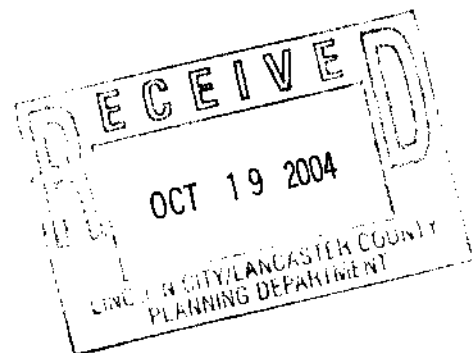


County Preliminary Plat #04028
County Special Permit #04058
County Change of Zone #04074
Lakewood Hills
N. 84th & Agnew Rd.

LEGAL DESCRIPTION
LAKEWOOD HILLS PRELIMINARY PLAT & COMMUNITY UNIT PLAN

Lot 6 I.T., located in the Northeast $\frac{1}{4}$ of Section 15, Township 12 North, Range 7 East, of the 6th P.M., Lancaster County, Nebraska.

County Preliminary Plat #04028
County Special Permit #04058
County Change of Zone #04074
Lakewood Hills
N. 84th & Agnew Rd.



File No. 03-0380
October 14, 2004



Mike Dekalb
Planning Department
555 South 10th Street
Lincoln, NE 68508

Re: Lakewood Hills

Dear Mike:

LYLE L. LOTH, P.E./L.S.

Suite A - 601 Old Cheney Road
Lincoln, NE 68512

Phone (402) 421-2500
Fax (402) 421-7096

Email: lyle@espeng.com


Based on recent meetings with you, Robert Lookabaugh and me, we are submitting herewith the documents to support an amendment to the Lakewood Hills CUP, a revised Preliminary Plat showing 9 dwelling units, a Final Plat for Lakewood Hills, and an application for a Change of Zone from AG to AGR. As indicated in the density calculation, AGR zoning would allow 27 dwelling units on this parcel. Please note that our "package" submittal includes only 9 dwelling units and is intended to convey to the Planning Commission and County Board that "what you see is what you get". Our submittal includes the following:

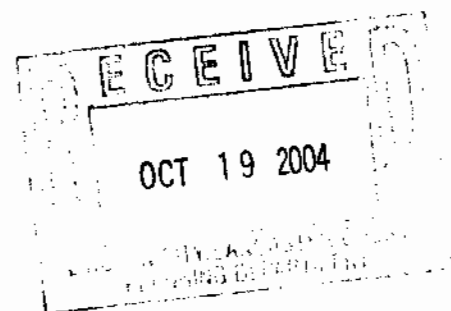
1. An application and 16 copies of the Preliminary Plat and Amended CUP
2. An application and 16 copies of the proposed Final Plat of Lakewood Hills.
3. An application for a Change of Zone from AG to AGR.
4. Ownership Certificate
5. Soils Map
6. Memo from County Health Department indicating water supply is acceptable.
7. 8 1/2 x 11 copies of Preliminary Plat and Final Plat
8. Filing Fee:

Preliminary Plat	\$1050
Final Plat	350
Change of Zone	370
Total	<u>\$1770</u>

Thank you for your assistance in processing these applications.

E-S-P
Engineering-Surveying-Planning


Lyle L. Loth, P.E.
For the Firm



4 November 2004

Mike DeKalb
Lincoln - Lancaster County Planning Dept.
555 South 10th Street
Lincoln NE 68508

Dear Mr. DeKalb:

A friend of mine, Mr. Bob Lookabaugh, has asked me to write to you regarding my impressions of his acreage in northeastern Lancaster County. I understand he is in the process of requesting permission to subdivide the property.

I have visited Bob Lookabaugh's acreage at least twice in the last several years. Members of our Wachiska Audubon chapter have also visited the property for bird watching and hiking. Each time I've visited I've been impressed with the wooded appearance of the land from a distance. In that part of the county there is very little wooded land of any kind. In the winter the Lookabaugh property looks like a small pine forest in the middle of miles of plowed cropland.

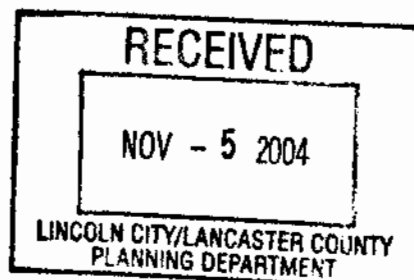
Driving or hiking on the property will demonstrate to any visitor that Mr. Lookabaugh has done a lot of planting. Pines of various kinds, a variety of oaks and many other species cover the property in irregular groves. The trees have reached a fairly large size and as a result provide great habitat for song birds. I was able to see some of the song birds on my visit. I am told many species of birds and other kinds of wildlife use the trees as a refuge and nesting area. I saw at least one pond which also increases the value of the property for wildlife habitat and adds to its beauty.

In general the Lookabaugh property is an exceptional oasis of trees, grass and water in an area where there normally would be little of any of these features. I believe it is an asset to the northern part of Lancaster county both for wildlife and for natural beauty. I support Mr. Lookabaugh's efforts to preserve it.

Sincerely,



Tim Knott
4310 Waterbury Ln
Lincoln NE 68516



October 28, 2004

Lincoln-Lancaster County Planning Department
555 South 10th St.
Lincoln, NE 68508

I own a farm contiguous to the west boundary of the property owned by Robert E. Lookkabaugh, and I support his application for a change in zoning from AG zone to AGR zone.

I hope you will approve this application without delay.

Sincerely,



Donna B. Bergman

7605 Agnew Road

Phone 785-5635

October 28, 2004

Lincoln-Lancaster County Planning Department
555 South 10th St.
Lincoln, NE 68508

We want to support the application of Robert Lookabaugh for the addition of 4 dwelling unit parcels to the 5 presently allowed, including the Lookabaugh residential parcel.

The Lookabaughs have converted marginal farmland into an environmental delight, unlike any other parcel we know of in Lancaster County. With the thousands of conifer and deciduous trees, native grasses, wildflowers, and two ponds as well as a spring fed waterway on the property, it is an ideal habitat for wildlife of the area.

Lookabaughs built a dam restraining heavy runoff from 150 acres of land, and this has certainly had a favorable impact on the erosion and water loss that existed prior to building the dam, which was a costly first class construction project.

We own farmland near the Lookabaugh parcel, and feel that additional landowners will make a positive contribution to the County and our area.

Many of the neighbors feel as we do, and we know of no opposition.

Thank you for your consideration of our request.

Sincerely,

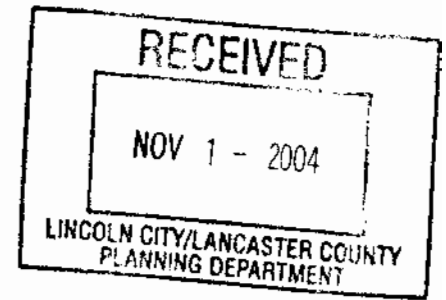
Berneal Warner

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October 27, 2004

Lincoln-Lancaster County Planning Department
555 South 10th St.
Lincoln, NE 68508



We farm properties near the acreage owned by Robert Lookabaugh. He has told us about his application to change zoning to AGR allowing a total of 4 more dwelling unit parcels than previously specified in his Community Unit Plan, and we feel this application should be approved.

Lookabaughs have made a significant contribution to the environment in our area. Since we farm our land we hope that the Planning Commission and the Board of Commissioners will approve this application for four major reasons:

1. Along with many other landowners in the area, we appreciate the wildlife habitat, the native grasses and wild flowers.
2. We feel that providing for increased density in a clustered parcel will help preserve farmland in the County.
3. Failure to approve will discourage others from creating natural beauty and preserving farmland.
4. Lookabaughs made a major investment in a dam that controls the runoff from about 150 acres, much of which is drained from our property. This keeps the water in our area rather than eroding farmland downstream.

We and many others who own nearby parcels will appreciate your approval.

Sincerely,

John W. Spader

Deborah K. Spader

Ninette & Bob Lookabaugh
8101 Agnew Road Ceresco, NE 68017
Voice 402-785-2255, Fax 402-785-2073

TO FAX # 441-6377 3 Pages including this cover

October 25, 2004

Mike DeKalb
Lincoln-Lancaster County Planning Department
555 South 16th St.
Lincoln, NE 68508

Dear Mike:

Here are 2 more letters relevant to my filing for a change in zoning.

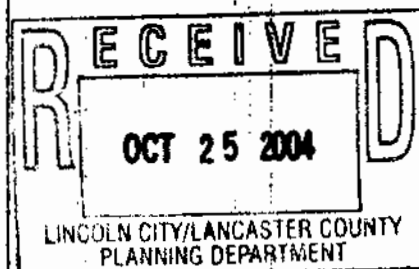
You probably know or know of Don Janssen. He is with the Lancaster County Extension agency, and has been very helpful to us, and has a high interest in the environmental qualities in Lancaster County.

Sincerely,



Bob Lookabaugh

CC Ray Stevens, Chairman, Lancaster County Board



Bob Lookabaugh
8101 Agnew Road
Ceresco, NE 68017

Dear Bob:

Thanks for your kind remarks concerning our contributions to your efforts to create an optimum environment in Lancaster County for wildflowers, native grasses, wildlife, and people. We know what a challenging endeavor it has been over these decades.


We're aware that the surrounds on your property are totally different from those of the typical rural development where a few trees are planted (and then owners wait for decades to enjoy tree maturity). With more than 3 acres per parcel now owners can enjoy, retain and maintain the wildlife, trees, wildflowers, and native grasses on their own property while sharing in the maintenance of the common area of more than half of the entire property, with the common area restricted from further development.

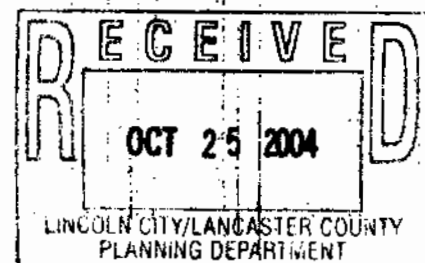
It was good to hear that your dedication toward preserving the tens of thousands of trees you have planted has held the pine wilt under control. Many pine plantings have been decimated, and your prompt cutting and burning of the sick trees protects yours and others in the county. I'm aware that considerable maintenance efforts are involved, and understand why you are subdividing the property -- your goal of spreading the ongoing cost and time required for quality maintenance of the large common area as well as the land in each dwelling unit parcel among a number of property owners makes sense. Maintenance of the 45 acres of common area can be a burden for a small number of property owners.

Your achievements set your property apart from others in Lancaster County based on the native grasses, wildlife, and trees. The trees on your property supply the oxygen required for hundreds of our Lancaster County citizens. Hopefully, all governmental agencies will pursue the goals of the Greenprint Challenge by providing support that will encourage others in the County to make the time and financial commitments to create high environmental quality in many Lancaster County areas.

It's a pleasure to work with you, Bob, and we wish you well in finding ways to assure first quality maintenance of the property and make it affordable for those who reside there. Let us know how we can help.

Sincerely,


Don Jansen



October 23, 2004

Mike DeKalb
Lincoln-Lancaster County Planning Department
555 South 10th St.
Lincoln, NE 68508

Dear Mr. DeKalb:

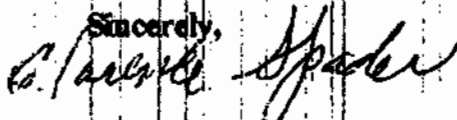
As owners of a farm directly across the Agnew Road from property owned by Robert E. Lookabaugh, we would like to support his application for a change in zoning from AG zone to the requested AGR zone.

We've enjoyed almost 40 years of friendship with the Lookabaughs, and they have made a positive contribution to our area. We've farmed our land for more than 50 years, and have watched their decades of devotion to improving the visual appeal and environmental quality of their land.

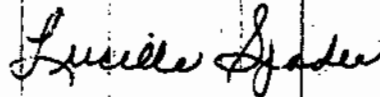
Their acreage stands out as a model for positive environmental improvements and wildlife habitat. Landowners in their development will surely be nature lovers, and providing a few more acreages for such people on this parklike property seems reasonable.

We strongly encourage the Planning Commission and the Board of Commissioners to approve this zoning change application.

Sincerely,



Clarence V. Spader

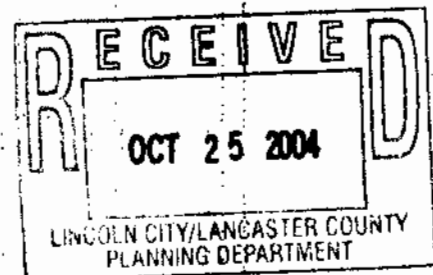


Lucille M. Spader

7500 Agnew Road

Phone 785-7155

CC: Ray Stevens, Lancaster County Board of Commissioners



Ninette & Bob Lookabaugh
8101 Agnew Road Ceresco, NE 68017
Voice 402-785-2255, Fax 402-785-2073

TO FAX # 441-6377

3 Pages including this cover

October 20, 2004

Mike DeKath, Lincoln Lancaster County Planning Department

Dear Mike:


Here are two copies of letters sent to Mary Bills-Strand with their comments related to our development. In the future, I'll arrange for them to send letters to you for inclusion with the application, if that is acceptable to you.

I've asked Tim Knott, who works with the Wachiska Audubon society, to express some of the important issues related to birds.

I hope this is not inconvenient for you.

Thanks again for your ongoing interest and assistance.

Sincerely,



Robert E. Lookabaugh

OCT 19 2004

LINCOLN COUNTY/LANCASTER COUNTY
PLANNING DEPARTMENT

October 18, 2004

Mary F. Bills-Strand, Planning Commission Chair
C/O Lincoln-Lancaster County Planning Department
555 South 10th St.
Lincoln, NE 68508

Dear Ms. Bills-Strand:

Our neighbor Robert Lookabaugh has applied to change zoning on his acreage on Agnew Road to AGR for the purpose of adding 4 dwelling unit parcels that he can sell to recover part of the enormous expense devoted to the creation of a beautiful area for people and wildlife.

The property I own is within a mile of the Lookabaugh property and both my wife and I feel that the addition of more property owners will provide a very positive living experience for more Lancaster County residents.

I am an enthusiastic bird lover and the increase in wildlife habitat on his property has resulted in a huge increase in the bird population that now includes a wide variety of species that can't prosper on farmland. Maintenance of optimum bird habitat requires maintenance and with 4 more landowners the wildlife maintenance efforts and costs will be less burdensome for each landowner.

My wife joins me in requesting that the Planning Commission approve his application for AGR zoning, with the restriction that no Dwelling Units other than the 4 included in his application will be allowed.

Sincerely,

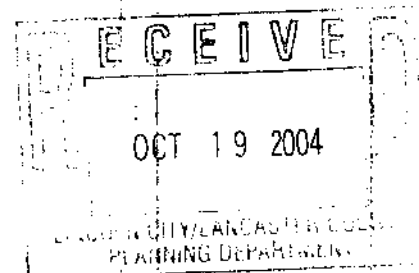


Jack W. Johnson

Phone 785-5010

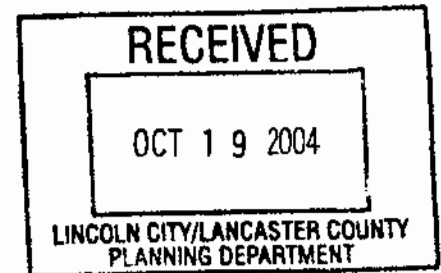
Address: 21305 N. 70th St.

CC: Ray Stevens, Chairman, Lancaster County Board of Commissioners



October 10, 2004

Mary F. Bills-Strand, Planning Commission Chair
Lincoln-Lancaster County Planning Commission
555 South 10th St.
Lincoln, NE 68508



Dear Ms. Bills-Strand:

We own a farm within a mile of property owned by Robert E. Lookabaugh, and we support his application for a change in zoning from AG zone to AGR zone.

Their environmentally superb area is, to the best of our knowledge, unique in Lancaster County, and is an irresistible home for wildlife, with more than twenty thousand trees planted along with acres of wildflowers and native grasses.

Lookabaugh has committed to retaining the natural area outside the Dwelling Unit acreages in more than half of his property, and will restrict further development permanently.

County planning department personnel and County Commissioners have often stated that this type of beautification of our county should be encouraged. Of course, appropriate maintenance is required and we agree with Lookabaugh that the approval of only 4 parcels for him to sell is insufficient to spread the common area maintenance costs among landowners. His plan devotes more than 50% of the entire property he owns to common area with environmental constraints. An unreasonable burden would be placed on the limited number of landowners approved by the CUP. Increasing the number of homeowners on this property would reduce the maintenance burden on each landowner by 45%, and would encourage other landowners to create such environmental havens in our County and make it more beautiful.

We hope that the Planning Commission and the Board of Commissioners will approve this zoning change application without delay.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick G. Tvrdy".

Patrick G. Tvrdy
21801 N. 84th St.
Phone 785-9101

A handwritten signature in black ink, appearing to read "Diane L. Tvrdy".

Diane L. Tvrdy

CC: Ray Stevens, Chairman, Lancaster County Board of Commissioners



November 5, 2004

Lincoln-Lancaster County Planning Department
555 South 10th St.
Lincoln, NE 68508

To Whom It May Concern:

We own a farm within one mile of the property in Lancaster County owned by Robert E. Lookabaugh with the address of 8101 Agnew Rd, Ceresco, NE 68017. Mr. Lookabaugh has told us that he wants to have the zoning changed so he can have up to eight more houses on his property. If this maximum of eight more houses is not exceeded, we will not oppose his application for a change in zoning from AG zone to AGR zone.

Mr. Lookabaugh has committed to retaining the natural area outside the Dwelling Unit acreages in more than half of his property, and will restrict further development permanently.

Sincerely,

Gary E. Sherman
Gary E. Sherman

Carol J. Sherman
Carol J. Sherman

6205 Agnew Road
Ceresco, NE, 68017
Phone 785-5455



Lancaster


County

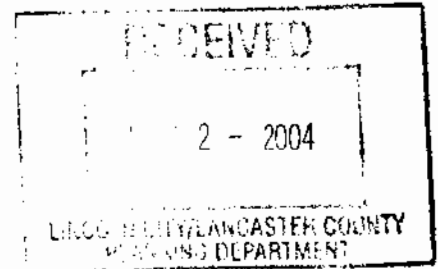
Engineering

Department

DON R. THOMAS - COUNTY ENGINEER

DEPUTY - LARRY V. WORRELL
COUNTY SURVEYOR

DATE: November 1, 2004
TO: Mike DeKalb
Planning Department
FROM: Larry V. Worrell 
County Surveyor
SUBJECT: LAKEWOOD HILLS FINAL PLAT



Upon review, this office would have the following comments:

- 1) Remove Lancaster County from dedication, which implies that easements are being dedicated to the public when they are not.
- 2) Label access easements as public access easements.

LWW/DP/bml
Subdlv.wk/Lakewood Hills Final Plat

Ninette & Bob Lookabaugh

8101 Agnew Road Ceresco, NE 68017

Voice 402-785-2255, Fax 402-785-2073

TO FAX # 441-6377

3 Pages including this cover

November 5, 2004

Mike DeKalb, Lincoln Lancaster County Planning Department

Dear Mike:

Here is the water report from the UNL Geoscientist, and another letter from a landowner who owns property nearby.

We have logs of the wells on our property if you need them. They demonstrate a prolific aquifer, shallow and thick.

Thanks again for your ongoing interest and assistance.

Sincerely,

Robert E. Lookabaugh



University of
Nebraska
Lincoln

Institute of Agriculture and Natural Resources

Conservation and Survey Division
113 Nebraska Hall
901 North 17th Street
Lincoln, NE 68588-0517
Telephone (402) 472-3471

Geological and Natural Resources Surveys



April 15, 2002

Mr. Bob Lookabaugh
81801 Agnew Rd
Corral, NE 68017

Dear Mr. Lookabaugh:

This fax is in response to your inquiry regarding ground water conditions in the vicinity of your acreage located in the W 1/2 of the NE 1/4 of section 15, Township 12N Range 7E, Lancaster County. Additional acreages are planned for this property. Little information is available on the hydrogeology of the area. You provided me a geologic log of your well and a water analysis. Additional well logs are available from the area. This information indicates an adequate supply of fresh ground water that is adequate for domestic use. It is likely that similar conditions will be encountered if wells are constructed for domestic use on the proposed acreages.

Water quality indicates that the level of dissolved solids (salt) is very low indicating that the immediate vicinity is a recharge area providing fresh water to the aquifer from infiltrated precipitation and snowmelt. This may be due to the local topographic position within the watershed and the fact that the sandstone which supplies water to wells in the area is relatively near the land surface at your location. Less overburden permits better recharge. The aquifer is composed of interbedded shale and sandstone of the Dakota Formation. It is an aquifer that supplies water to many wells in Lancaster County. At least 40+ of sandstone is present under your acreage. Conditions in this aquifer can change within short distances based on the amount of sandstone present in the formation. According to my professional opinion, it is likely that sufficient Dakota sandstone is present beneath the proposed acreages, but not a 100 percent certainty. It is possible that your well does not penetrate the entire thickness of the aquifer and that saline water is present at greater depth. Saline water is known to be discharging to the land surface along the lowlands and saline wetlands along Rock Creek about 2 miles north and east of your location.

In summary, although there can be no guarantee that an adequate supply of ground water can be developed on the other properties, it is likely that conditions are similar to the good water supply that is available on your acreage. A solution to the small amount of uncertainty could involve the drilling of a testholes and/or test wells on the other properties prior to sale of land and beginning of home construction in order to provide some assurance of an adequate water supply.

Please let me know if I can be of any further assistance. If you have any questions or concerns, please call me at 472-7543.

Sincerely,

Scott Summerside

Scott Summerside, P.G.
Associate Geoscientist

October 28, 2004

Lincoln-Lancaster County Planning Department
555 South 10th St.
Lincoln, NE 68508

We own farmland near the acreage owned by Robert E. Lookabaugh. He has reported that he has applied for a change in zone that will allow him to increase the number of acreages he can sell by 4.

As a farmer dedicated to supporting farmers and the retention of farm acreage in spite of the demand for rural homesites by Lancaster County residents, Steve Nordstrom serves on the County Committee of the Lancaster County Farm Service Agency. Along with his wife Lynn, Steve feels that cluster development makes a positive contribution toward preserving farmland.

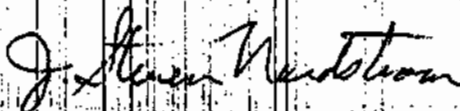
The Lookabaugh acreage is not suitable for farmland and can favorably accommodate a total of the 9 dwelling unit parcels requested. Residents will enjoy natural beauty unmatched elsewhere in the county. It would be sad if no more than 5 residential parcels were allowed, including the Lookabaugh homesite.

We hope that the Planning Department and Board of Commissioners will act favorably on this application.

Sincerely,

J. Steven Nordstrom

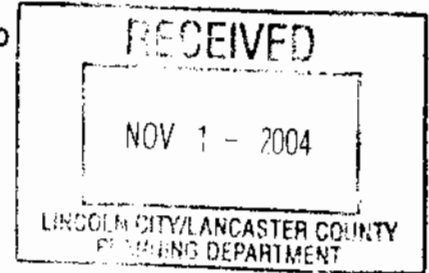
Lynn E. Nordstrom





AREA 2
SERVICE CENTER

R.R. 1 BOX 56
ROCA, NEBRASKA 68430
402/423-3855
FAX 402/423-8090



October 29, 2004

Mike Dekalb, Project Planner
555 S. 10th #213
Lincoln, NE 68508

RE: Lakewood Hills FP # 04126

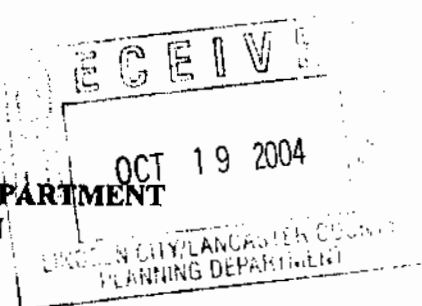
Dear Mike,

I have reviewed the subject plat, and would request easement [10'] along both sides of the access road, to end at the north side of lot 7.

As always, thanks for your cooperation.

Sincerely,

Rick Volmer, Construction Superintendent, Area2



LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT

INTER-OFFICE COMMUNICATION

TO: Mike DeKalb

DATE: May 8, 2002

DEPARTMENT: Planning

FROM: Chris Schroeder
Leon Marquart

ATTENTION:

DEPARTMENT: Health

CARBONS TO: Bruce Dart, Director
EH File
EH Administration

SUBJECT: LakeWood Hills
SP #192 PP #02006

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed and made an on-site visit of this plat. The Conservation and Survey Division has submitted a satisfactory water quantity and quality report.

Water Supply

Lot 2 A private water well supplies the home on this plat. Well construction appears to be satisfactory. Bacterial and nitrate water samples meet the requirements of a satisfactory drinking water supply. Nitrate nitrogen is 5 ppm which is below the 10 ppm limit.

Wastewater Treatment

Wastewater treatment is an onsite septic system for the existing home on lot #2 of this plat. All lots meet the three acre minimum lot size requirement and appear to be satisfactory for on-site wastewater treatment system construction.

Topography and Soil Type

Lot #1 Sharpsburg silty clay loam, Nodaway silt loam, and Shelby clay loam are present on this lot. Sharpsburg soil may not yield an acceptable percolation rate for a standard septic system. If these soils have failing percolation rates, an alternative non-standard wastewater treatment system may be required. Slope on this lot may limit sewage lagoon construction. Nodaway silt loam is not suitable for absorption drainfields or lagoons because of flooding. Shelby clay loam has slow permeability.

Lot #2 In addition to Sharpsburg, Nodaway, and Shelby, Burchard clay loam is present on this lot. Absorption drainfields are not well suited to Burchard clay loam because of failing percolation rates. Sharpsburg, Nodaway, and Shelby soil types are described in Lot #1.

Lot #3 Sharpsburg, Nodaway, Shelby, and Burchard soils are present on this lot. These soil types are described in Lots #1 and #2.

Lot #4 Sharpsburg, and Shelby soils are present on this lot. These soil types are described in Lot #1.

Lot #5 Sharpsburg soil is present on this lot and is described in Lot #1.

Erosion Control

During construction, best management practices should be used to minimize storm water runoff, especially soil erosion prevention methods. LLCHD recommends that the developer contact the Lower Platte South Natural Resources District for technical and potential financial assistance to minimize storm water pollution.

During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.

Provisions should be made for retaining as much tree mass as possible. Alternately, the applicant will need to plan for disposal of tree waste by burying on site, grinding, offering for firewood or hauling to the landfill. Permits for open burning of tree waste within the city limits will not be approved and applications for burning within the 3-mile zone are unlikely to be approved.





Dennis L Roth

10/27/2004 07:38 AM

To: Michael V Dekalb/Notes@Notes

cc:

Subject: re: Lakewood Hills

PROJ NAME: Lakewood Hills
PROJ NMBR: PP #04028, Final Plat #04126, CZ #04074, CUP #04058
PROJ DATE: 10/20/2004
PLANNER: Mike DeKalb

Finding no DUPLICATE/SIMILAR sounding names in our geobase for the streets proposed in this project..

Dennis "denny" Roth, ESD II/CAD Admin
Emergency Communications 9-1-1 Center

STREETS: none
CROSS: Agnew Rd
PRIVATE: none

COMMENTS: No new streets appear on this plat, therefore residents MUST be addressed off Agnew Rd. We WOULD PREFER both roads running south off Agnew Rd be named since they lead to several residences, BUT WILL NOT oppose the development on that fact alone.

November 4, 2004

Lincoln-Lancaster County Planning Department
555 South 10th St.
Lincoln, NE 68508

We own a farm and home within a mile of the property owned by Robert E. Lookabaugh, and we support his application for a change in zoning from AG zone to AGR zone.

Lookabaugh's property has been beautifully developed, and we are pleased to have such a beautiful area nearby. Wildlife benefits as well as do we neighbors.

Lookabaugh has committed to retaining the natural area outside the Dwelling Unit acreages in more than half of his property, and will restrict further development permanently.

We hope you will approve this application.

Sincerely,

Virgil D. Oberg
8909 Agnew Road

Janet L. Oberg

Virgil D Oberg *Janet L Oberg*

LAKEWOOD HILLS SUBDIVISION APPLICATION FOR AGR ZONING

The goal is to market a total of 8 dwelling unit parcels from 3 to 4 acres in size, while retaining the dwelling unit parcel occupied by my home. The current CUP approved in 2002 provides for a total of 5 dwelling units, including my home dwelling unit parcel.

The acreage has been planned to be an environmentally distinguished property with habitat that will support a wide variety of wildlife yet provide dwelling units that will be appealing to nature loving Lancaster County citizens. Planning Department officials consider it unique. It is clear that this endeavor supports the Greenprint Challenge and the Comprehensive Plan as stated on Page F57 of the Plan.

In the past 39 years:

1. More than 20,000 trees have been planted.
2. Substantial areas have been planted with wildflowers and native grasses.
3. A lake has been created draining water from 150 acres that flows into Rock Creek, reducing erosion and runoff.
4. A small pond has also been created.

Substantial funds and immense personal effort have been devoted to these undertakings over these 39 years with no financial support from government at any level — no taxpayer burden.

Approximately 45 acres out of the total 83 acre, holding will be retained in a common area. This segment will be donated by the owner to the Landowners' Association without cost, with enforceable restrictive covenants prohibiting future subdivision and require appropriate maintenance of the common area and the dwelling parcels. A major reason for requesting 4 additional dwelling units is to reduce the cost of maintenance by 44.5% per resident.

Hopefully approval will encourage others to make a decades long effort and investment to create environmentally favorable parcels in Lancaster County, reducing the need to subdivide another 80 acres to provide 4 more country living dwelling units, thus preserving 80 acres of farmland. Most of my neighbors are farmers and feel this is a positive aspect of the application.

The habitat developed is intended to be a legacy, following William James' expression,

"The best use of life is to spend it for something that outlasts it."

It is my hope that this application will be approved to enable me to recover close to half of my total investment over the past 39 years. Neighbors have overwhelmingly supported this application, with many signing letters expressing their approval.

Your consideration and favorable action will be appreciated by me, my wife, and more than 10 of our neighbors.


Robert E. Lookabaugh
Founder of Lakewood Hills